

<b>Notice of Allowability</b>	Application No.	Applicant(s)
	10/644,990	ZIMMERMANN ET AL.
	Examiner Krystyna Susecksi	Art Unit 2882

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTO-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to response filed 01/19/05.
2.  The allowed claim(s) is/are 19-37,39,40,42,44.
3.  The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
4.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All    b)  Some\*    c)  None    of the:
    1.  Certified copies of the priority documents have been received.
    2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftsperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5.  Notice of Informal Patent Application (PTO-152)
6.  Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_\_.

### **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.
2. Authorization for this examiner's amendment was given in a telephone interview with Adesh Bhargava on 02/23/05.
3. The application has been amended as follows:
  - In Claim 19, in line 8, delete “, optionally,”
  - In Claim 19, in line 9, delete the last comma
  - In Claim 19, in line 10, delete “optionally,”
  - In Claim 39, replace lines 8 and 9 as follows:

-- - a third step, in which a sensor holder is automatically selected from a plurality of available sensor holders of differing characteristics and an associated sensor is assigned to each of the objects to be X-rayed--
  - In Claim 42, in line 3, delete “preferably an X-ray image”

### **DETAILED ACTION**

#### *Drawings*

4. The drawings were received on 01/19/05. These drawings are not compliant for the reasons set forth in the Office action dated 09/21/04. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because the drawings appear to be shaded more darkly than the original drawings and do not reproduce well. See 37 CFR 1.84(m). Applicant is

advised to employ the services of a competent patent draftsperson outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

***Allowable Subject Matter***

5. Claims 19-37, 39, 40, 42 and 44 are allowed.
6. The following is an examiner's statement of reasons for allowance: Claims 19-37 remain allowable for at least the reasons set forth in the Office action dated 09/21/04. Claim 39 contains allowable subject matter for at least the reason that the prior art of record fails to teach or reasonably suggest a method of specifying a sensor holder for the creation of an image of an object, wherein the sensor holder supports a digital sensor of dental X-ray apparatus comprising displaying, selecting from a display and automatically selecting a sensor from a plurality of differing sensors as claimed. While displaying and selecting display objects is known in the art, the combination with automatic selection of a sensor holder from among different sensor holders is not suggested. As shown by art such as Cianciosi (US 6,652,141) and Carroll (US 6,527,442) a user selects a sensor and sensor holder for the X-ray procedure and no mention is made of the automation of the selection.
7. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Krystyna Susecki whose telephone number is (571) 272-2495.

The examiner can normally be reached on M-F, 9-5.

9. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Glick can be reached on (571) 272-2490. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

10. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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*Craig E Church*  
Craig E. Church  
Primary Examiner